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HUMAN RIGHTS COMMITTEE

Forty-third session

SUMMARY RECORD OF THE 1114th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 November 1991, at 10 a.m.

Chairman: Mr. POCAR

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Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

1. The CHAIRMAN, summarizing the discussion at the previous meeting, said that in general speakers had not considered very useful the sample study attached to the document on methods of work prepared by the Secretariat at the Committee's request. In the discussion on the best means of transmitting the Committee's comments on country reports to the States parties concerned (art. 40 (4) of the Covenant), three options had emerged. The first was to redraft the annual report so that the paragraphs giving the concluding observations of members of the Committee on a report submitted by a State party presented the views of the Committee itself. The second option was to draft a text setting out the Committee's conclusions, following its consideration of a State party report, for adoption at the subsequent session of the Committee. The third option was to prepare such a text for adoption at the same session of the Committee. He invited the Committee to continue its discussion of those three options.

2. Mr. MAVROMMATIS said that although the process whereby individual members of the Committee made concluding observations on State party reports had represented a great advance at the time, it was no longer serving the Committee well. Such comments had become too lengthy and tended to repeat points already raised earlier in the debate. In the interests of providing more effective follow-up to the consideration of reports and increasing compliance by States parties with the provisions of the Covenant, the question of the transmission of the Committee's views to States parties had to be given the same depth of thought as all other aspects of the consideration of reports.

3. He did not think it would be easy to prepare a text embodying the Committee's general comments on a report immediately after it had been discussed, since such a text ought to give only views of significant substance on which a broad consensus had been achieved. It was also very important that the text should reflect the discussions as reported in the summary records. Furthermore, the Committee ought not to delegate to a rapporteur its authority to issue such a text, even if that rapporteur was acting in consultation with the Chairman. He therefore would prefer the second option of preparing a text for adoption at the following session of the Committee. The preparation of the text itself should not be too arduous provided that proper guidelines were established with respect to its content and format and the Chairman continued the practice of winding up the discussion by summarizing the views expressed.

4. Mr. WENNERGREN said the third option was preferable since a State party expected to receive a statement of the Committee's opinions as soon as possible after its report had been considered. Other committees managed to report their conclusions by the end of a session and there was no reason why the Human Rights Committee should be an exception. Every effort should be made to find a solution to the problem. Since it was difficult to assess the feasibility of the task in the abstract, he suggested that at its next session in New York the Committee should make a practical test of the procedure by designating, for each State party report to be considered, a member of the

Committee as a special rapporteur responsible for drafting a text summarizing the Committee's views on the report concerned. Such a text should be brief, no more than two pages, outlining the Committee's concluding observations and its comments on individual articles of the Covenant, and should be submitted to the Committee for approval before the end of the session. Should that experiment prove successful it could be extended to subsequent sessions.

5. Miss CHANET, noting that the political conditions that had given rise to the present system of concluding observations from members of the Committee no longer applied, said that if Mr. Mavrommatis, with his wide experience of the Committee since its inception, felt it was time for the Committee to move on to a new stage his advice should be heeded. As to the particular procedure the Committee should follow, her preference went to the third option, even though that entailed a heavy workload for the rapporteur concerned. When practices followed by other committees were considered, care should be taken to adopt only those that had proved satisfactory; in committees where conclusions were submitted to States some time after the relevant discussion there had occasionally been accusations that those observations had been influenced by non-governmental organizations. That had never occurred in the Human Rights Committee, where concluding observations were made by members of the Committee immediately after consideration of a report. It was essential that any text embodying those views in writing should be issued with the least possible delay and further that the comments should be those of the Committee as a whole rather than of its individual members, since that carried more weight with States parties.

6. Mr. FODOR said the general feeling appeared to be that the Committee should delay as little as possible after its consideration of a report before making its conclusions known to the State party concerned. The third option was thus obviously the best one, but did not appear to be feasible in view of the Committee's heavy workload. The next best choice was the second option; the Committee should therefore try it out in practice. If it proved too time-consuming in view of the other business before the Committee, then the first option was still open.

7. Mr. AGUILAR URBINA said it was a major concern of the Committee to meet the wish of States parties to know the Committee's conclusions as soon as possible after consideration of their reports. An important point was that such a text should reflect the views of the Committee as a whole and not those of its individual members. He therefore concurred with Mr. El Shafei that the Committee's annual report should be drafted with that point in mind. Furthermore, a brief statement of the Committee's views on the report of a particular State party should be made available by a special rapporteur designated for the country concerned at the end of each session for transmission to the State party. In a further stage, those texts, together with the summary records, could be used as the basis for compiling an overall statement for inclusion in the Committee's annual report.

8. Mr. ANDO, drawing on his experience as Rapporteur, said the Committee should bear in mind that it would be difficult to use the summary records as a basis for drafting an immediate statement of the Committee's views since they were not always available in their entirety until three months after a session.

Hence, if a text was to be available at the end of the session during which a report was discussed, the Special Rapporteur would have to be prepared to make his own notes of the proceedings. Any text he prepared would then have to be submitted to the Committee for discussion and approval. To allow time for those procedures, the Committee would need to arrange to consider reports submitted by States parties early in its session. Were those conditions to be met then the third option might work. Otherwise it might be more practical to adopt the second option.

9. Mr. SADI said that in his experience the Committee seldom differed on the fundamental issues relating to a State party report. The Chairman's summary of the concluding observations made by members thus reflected a consensus and represented the Committee's overall views. Using that summary as a basis, it should not be too difficult for a small drafting group to prepare up a statement of conclusions for the approval of the Committee. Since there was general consensus, consideration of that draft statement should not take up too much of the Committee's time, as it would merely be a question of finalizing the wording. Such procedures were followed successfully in other committees when preparing draft resolutions. He felt it would be well worth the Committee's while to carry out a trial on that basis. Waiting until a subsequent session to finalize a text would only take time from that session. The States parties were anxious for guidance from the Committee; the sooner such guidance could be given to them the better.

10. Mr. MYULLERSON said there appeared to be a consensus in the Committee that a statement of the Committee's general comments on a State party report would be useful; the only point at issue was the procedure and timing appropriate for producing such a text. He was in favour of trying out the third option at the Committee's next session in New York. Should that experiment prove a failure, then preparation of texts for consideration by the subsequent session could be tried. He agreed with Mr. Mavrommatis that any text prepared by a rapporteur or drafting group should be approved by the Committee as a whole before being issued.

11. Mr. HERNDL, welcoming the consensus, agreed that what remained to be decided was the best way to tackle the task. Perhaps the best and least onerous way to make the necessary but radical change to the present system would be to use a step-by-step approach. The first step could be that suggested by Mr. Sadi, whereby the Chairman's summary of the Committee's views could be expanded by a drafting group into a suitable text for submission to the Committee. If that was successful, the next step could be the designation of country rapporteurs, who with the assistance of the Secretariat and the summary records would produce the statements setting out the Committee's conclusions on the reports submitted by States parties. It would be preferable if such texts could be produced for approval by the Committee at the same session at which the reports were discussed, since the matter would still be fresh in the minds of Committee members.

12. Mr. MAVROMMATIS said that in the preparation of the text giving the Committee's general comments on a State party report he hoped that content would not be sacrificed to speed. States parties had a right to expect to receive the considered views of the Committee and to be provided with recommendations that had been fully thought out.

13. A point not yet touched on was the form and content of such texts. Guidelines should be drawn up on the subject. One possible approach would be to start with a general evaluation of the quality of the State party report, followed by any particular concerns the Committee had about the report or the situation in the State party concerned and, finally, any recommendations the Committee wished to make to its Government.

14. Mr. WENNERGREN said that the Committee had available to it a rich source of standardized formulas such as those developed to deal with communications, and the list of issues drawn up for consideration of second and third periodic reports. Similar formulas might well be prepared by the Secretariat for the country rapporteurs to use as a framework or model to ensure consistency of output and facilitate preparation of texts.

15. Mr. LALLAH said that the Committee, in embarking on such a very important exercise, which he had always believed to be its duty under article 40, should take care not to rush into any decisions. Rather, it should instruct a working group to deline a general framework for the statement of the Committee's views to ensure impartial and equal treatment for all States parties. The working group might also consider whether such a statement should be produced at the same session at which the country report was discussed or at a subsequent session, and what input the Secretariat might make.

16. The CHAIRMAN said that all members of the Committee seemed to agree that a statement of comments should be produced for each reporting State party. As to the question of the format, he doubted whether Mr. Lallah's suggestion to appoint a working group would be productive: that exercise had been performed once and the results had not been considered appropriate.

17. The question of timing could and should be settled by the Committee at the current session. For many reasons it was easier, more practical and more appropriate to prepare comments at the same session at which the State party report was considered, not least because that would avoid the risk of their being influenced by subsequent events in the country or other pressures. On the other hand that exercise required time, which the Committee did not have.

18. He did not wish to suggest at the present stage that the Committee should request an extension of its sessions. Rather, he felt that the Committee itself might save time in a variety of ways, particularly during its consideration of country reports. Self-discipline was one of the most important areas for improvement. Attention was far too often focused on relatively unimportant issues and on general questions which, although interesting from an academic point of view, had little practical relevance to the protection of human rights. It was unreasonable, furthermore, to spend a full three-hour meeting or more on section I of the list of issues, particularly in the case of third periodic reports from countries whose legal framework had remained unchanged since the submission of the previous report. Still more unreasonable was the practice whereby all members took the floor in relation to section I, often raising questions on other sections and repeating questions already on the list of issues, thus obliging the delegation concerned to answer the same questions more than once.

19. Time could also be saved by reducing the number of sections in the list of issues: it was not necessary, for example, to include a separate section on states of emergency either for a country for which the matter was an academic issue, or for a country in which a state of emergency had been enforced, as it could then be considered in relation to the constitutional framework. It might also be useful not to follow the same format in the list of issues for each country, as there was a danger that such equality of treatment might in fact create inequalities for some countries in the matter of reply. A better course of action would be to identify the main issues affecting a country, particularly in relation to third periodic reports, and ensure that they were dealt with first, leaving minor problems for discussion at the end if time permitted. Those suggestions, if followed, would improve on the current practice of devoting one full meeting or more to section I and rushing through important issues related to later articles of the Covenant through lack of time.

20. Lastly, it was not necessary for the Committee to spend so much time making complimentary remarks. In the case of Poland, for example, each member had spent at least four minutes on compliments, taking into account first statements and concluding observations, which made about one hour which could otherwise have been devoted to consideration of that country's report or to other business.

21. Mr. SADI fully endorsed the Chairman's view that the Committee needed to rationalize its methods of work and make better use of its time. The problem had undoubtedly arisen because it had always avoided general comments and relied instead on long individual statements carrying the risk of excessive repetition. If a system of formulating general comments were introduced, members might feel more able to participate in silence, in the manner of a judge or jury.

22. Mr. MYULLERSON considered that a working group should try to prepare a framework for a statement of the Committee's views on a State party report for adoption at the next session.

23. The question of self-discipline was certainly important, but it was equally important to shorten the list of issues so that it focused on questions which were especially problematic or important for a particular country. In many cases it was not necessary to have all the articles of the Covenant reflected in the list of issues.

24. The section of the list on the general constitutional and legal framework was only needed for a country's initial report and in that connection he recalled comments he had made at an earlier meeting concerning the reports of Austria and Iraq. Whether or not a State party applied the Covenant directly was largely a matter of juridical technique and time should not be wasted in trying to persuade some countries to change their methods. In conclusion, he expressed the hope that the Committee would embark on its new approach when considering the report of Ecuador.

25. Mr. LALLAH said that although the Chairman had advocated the deletion of non-essential items from the lists of issues, the Chairman himself might be stricter in that respect. Moreover, the question of what the essentials were was itself open to debate. It was difficult to see how the Committee could deal properly with the lists of issues, given the pressures of the first day, unless more time was set aside for that purpose.

26. The CHAIRMAN replied that he had attempted to make suggestions with regard to the lists of issues on the opening day but had found it very difficult at that stage, bearing in mind the need to transmit the lists quickly to the delegations concerned. It was really for the Working Group under article 40 to shorten the lists, as indeed it had attempted to do in the case of Ecuador.

27. Mr. EL SHAFEI agreed that the Committee's methods of work were in need of some reform, and in that context welcomed the Chairman's observations. Statements involving an evaluation of the State party report concerned should be made only when the report was actually taken up. It was understandable that section I of the list of issues attracted considerable comment because it covered the position of the Covenant in domestic legislation and the protection of human rights in a given State could not be discussed without a proper knowledge of the degree to which the Covenant was applied. He fully agreed, however, that the guidelines for the consideration of third periodic reports should be fully implemented and that the Committee should focus on the most important issues only.

28. There appeared to be a consensus that the Committee's general comments on a State party report should be issued either at or shortly after the session at which that report was considered. In that connection, the person or group given the task of preparing a draft could use as a basis not only the summary records but perhaps also the analytical study prepared by the Secretariat.

29. Mr. WENNERGREN said he had come to the conclusion that there were perhaps psychological reasons to account for the length of time the Committee spent examining section I of its lists of issues. Members needed an opportunity to establish personal contact with the delegation whose report was being considered, which was perhaps why they appeared to repeat the same questions. That phase of the consideration of reports could perhaps be used to better account if section I were extended to cover more articles, for instance articles 1 to 9 of the Covenant: such a grouping might be tried experimentally when the report of Ecuador was considered. All in all, his feeling was that the tendency for all members to speak under section I of a list of issues was a healthy one, as it provided an opportunity to establish a friendly atmosphere with the delegation of the State party concerned. However, he concurred over the need for self-discipline.

30. Mr. PRADO VALLEJO said it was understandable that the Committee should spend so much time considering section I of a list of issues, just as it did on the first of a number of cases during meetings on communications. That was a constant feature of collegiate bodies, as it was at that point that a vital dialogue took place with delegations in order to establish a relationship and to obtain any information not contained in a report. The process obviously

depended on the situation in a particular country. The dialogue was more intense in the case of countries in which there were human rights violations, and it was impossible to apply a hard and fast rule.

31. If the Committee were to make general comments in writing, it would need sufficient time to ensure that the general comments left no ground uncovered, since any such shortcoming would reflect badly on its work. As to the lists of issues, he felt that the procedure hitherto followed had produced satisfactory results, although there was always room for improvement - for instance, the Working Group might draw attention to key points in the list concerned.

32. Mr. DIMITRIJEVIC said that he understood the Chairman's reasons for widening the scope of the discussion on what was an important point. He endorsed the criticisms made and stressed that it was important for the Committee to make the best use of its time, as there were now some 100 signatories to the Covenant. The list of issues had been introduced as a time-saving measure, but had been diverted from its original purpose as more and more members had felt compelled to take the floor. He believed that the reason for that trend was that members were worried that if they remained silent, their silence might be interpreted as indifference towards the reporting country. It was necessary to dispel any such feeling and he suggested that it should be explained to delegations that the list of issues was the fruit of a collective endeavour and reflected the concerns of the Committee as a whole.

33. Correct drafting of the list of issues was of vital importance, and he felt that it was beyond the brief of the Secretariat to decide which issues were of greatest importance. That task was essentially the responsibility of the Rapporteur, and the Rapporteur and Working Group could be instructed to shorten the list of issues, to concentrate on the most important ones and to decide in what order they were to be addressed. It was not necessary for the articles of the Covenant to be dealt with in numerical order. He felt that the issue of minorities was often neglected because article 27 came low down in the list of issues. There was no need for it to be so. He suggested that it was superfluous to put questions on the status of the Covenant under domestic legislation after the initial report had been considered, unless a major change had occurred in the meantime. The number of additional questions put by members would be reduced if the list of issues was comprehensive and well organized, although the time needed for concluding observations would still be considerable, as members needed an opportunity to state their positions in order to establish where the Committee as a whole stood. Lastly, he expressed his scepticism as to whether it was possible to prepare general comments at the same session at which a report was considered, although he would go along with the consensus on that matter. He suggested that the Committee should set aside two days at the end of its session to adopt such general comments and appoint one of its members from the beginning of the consideration of a particular report to prepare the general comments on the report concerned. They should be short, assess the quality of the report and make recommendations to the State party.

34. Miss CHANET endorsed the Chairman's remarks. The somewhat lengthy discussion on section I of the list of issues was necessary in order to establish contact with a delegation and was difficult to compress. She pointed out that self-discipline, unless it were exercised by all, was to the disadvantage of those who practised it. While limiting the time allotted to speakers was perhaps an extreme measure, it might prove necessary. Members might also indicate in advance on which points they intended to speak. The Working Group and the Secretariat should group the sections of the list of issues and adapt them to each country. As far as grouping of sections was concerned, she suggested that articles 4 and 25 could be incorporated into the section on the constitutional framework; articles 6, 7, 9 and 10 relating to individual security could form a further group; freedom of movement and privacy, covered by articles 12, 13 and 17, could constitute another group; articles 19 ff. relating to public freedoms could be grouped together; and a further section could relate to equality, discrimination and the rights of minorities. The grouping could be adjusted to each country.

35. In conclusion, she said that it was perhaps unnecessary for each member of the Committee to make concluding observations and suggested that a small working group could be set up at the next session of the Committee, on an experimental basis, to prepare general comments subsequent to the consideration of reports.

36. The CHAIRMAN, summing up, said he believed there was an emerging consensus, despite some reservations, that at the next session the Committee should attempt to adopt general comments on each particular report some days after the consideration of the report, in order to allow the member responsible for preparing the comments sufficient time. The Committee appeared to be undecided as to whether it should maintain the practice of individual concluding observations by its members after consideration of a report. He himself favoured doing so, as the general comments were not an academic exercise, but reflected the outcome of the debate within the Committee, and it would be unfair if a general comment contained points that had not been raised during the discussion. He agreed that more attention should be devoted to the lists of issues, which might perhaps be rearranged as suggested by Mr. Dimitrijevic and Miss Chanet. A dialogue with the State party would then take place on the basis of the list, followed by the concluding observations of the members of the Committee, after which the Committee's general comments, on the lines of the format of the list of issues, would be prepared.

37. As a practical measure he suggested that at the next session the Working Group should prepare sample general comments on the reports considered at the current session, not for transmission to States parties but to show how the procedure might operate in practice.

38. Mr. MAVROMMATIS stressed the need to proceed with great caution and to resist the temptation to make wholesale changes all at once. The Committee's general comments on a report would constitute amost important document and it should allow time for a thorough debate.

39. Mr. LALLAH said it appeared to be generally agreed that the Committee should make general comments on each individual State report, but he was not certain that everyone was agreed as to their content and format or as to whether they should be prepared at the end of the session at which the report had been considered or at the following session. It would, in his view, be impracticable to prepare them at the same session since a substantial amount of work and reflection would be required. The matter might be referred to the Working Group, not for its views as to whether or not such general comments should be formulated, but for its recommendations on their general framework and content.

40. Mr. SADI said that, in view of the strong feeling in favour of the process, it would be unfortunate if it could not be begun in early 1992. He could see no reason for any further delay.

41. The CHAIRMAN suggested that the Working Group should be requested to study the format of general comments and put forward specific proposals on the first day of the next session. The Committee could then take up the issue at once if consensus was reached or, if not, could give the matter further consideration.

42. It was so agreed.

43. The CHAIRMAN recalled that, during the consideration of the second periodic report of Austria, the delegation had stated that if the Committee could give an opinion that Austrian legislation was not inconsistent with the Covenant, the Government would be prepared to withdraw a reservation it had made in connection with article 14. Members of the Bureau were, in principle, in favour of acceding to the State party's request. The Committee now had to consider how that could be done in accordance with the Covenant and its rules of procedure, since the present occasion was the first on which such a question had arisen. It had been suggested in the Bureau that the Committee's opinion should be given as a special comment on the request of a State party rather than as a general comment, but that it should still come within the provisions of article 40. If the request was granted, it could form a precedent. Since the Committee frequently stated that its task was to assist State parties, it should grant such assistance when so requested.

44. Mr. PRADO VALLEJO said that the Bureau had done well to consider the request by the delegation of Austria, but it would be difficult for the Committee to issue, as it were, a blank cheque and say that a country's legislation was in keeping with the Covenant without studying the specific laws involved in relation to the Covenant.

45. The CHAIRMAN said that the Committee had to decide, firstly, on the procedural issue of whether or not it was competent to give such an opinion to a State and, secondly, on the substantive issue of the opinion itself, on which the decision might be either positive or negative.

46. Mr. LALLAH said that there could be little doubt about the Committee's competence. Under article 40 of the Covenant, it was authorized to make general comments, and since the greater included the lesser, there should be no problem in making a specific comment.

47. While he agreed with the Chairman, however, that the Committee should seek ways and means of assisting States parties, there was a difficulty in that Austria was also a party to the Optional Protocol and it was important to ensure that the Committee would not contradict the opinion it had given if it later came to consider a communication complaining of a violation of article 14 of the Covenant. Its existing membership would consider itself bound by an opinion once given, but its membership might change and it would be unfortunate if the opinion might later be considered incorrect or invalid. The Committee should give the matter its fullest consideration.

48. Mr. EL SHAFEI said that the Committee had on several occasions requested the State party to reconsider its reservations on certain articles of the Covenant. He agreed with Mr. Lallah that it should consider the issue, but it would be difficult to do so immediately since the various documents and legal texts to which the State party had referred when making its reservation were not currently available to members of the Committee. He suggested that a working group should be established to secure such documentation and consider the matter before it was discussed by the Committee as a whole.

49. Mr. MYULLERSON supported Mr. El Shafei's suggestion. It was not immediately obvious whether the relevant legal provisions were in complete conformity with the requirements of article 14 (3)(d) of the Covenant. A working group should consider the matter before it was discussed in the Committee.

50. Mr. HERNDL said that the issue was a general one that did not concern Austria alone, and it might form a precedent for the future. The Chairman had rightly pointed out that there were two separate issues involved: the procedural issue of the Committee's competence to give the assurance requested, and the substantive issue of the extent to which Austrian legislation conformed to the Covenant. He shared the view that the Committee was competent to deal with the question, which was related to matters of general assistance and the concern to eliminate reservations as far as possible. The Austrian delegation had clearly indicated that its Government might be willing to contemplate the withdrawal of the reservation in question provided that the Committee gave it certain assurances. If the Committee felt able in principle to give the assurances sought, the State would have to be invited to provide the full text of the specific legal provisions related to the reservation and the Committee would have to discuss that specific issue further with the Government. He hoped that positive action could be taken on the procedural issue at the current session.

51. Mr. MAVROMMATIS said he had some doubts as to whether the Committee could give a direct reply to a Government seeking a comment of the kind requested by Austria, but it could give an indirect one. He seemed to recall that, following the consideration of the report of another country, and questions and comments on certain reservations it had made, the Government had withdrawn those reservations. One way of dealing with the matter would be to give a general interpretation rather than a direct reply, since the latter would be beyond the Committee's powers.

52. Mr. PRADO VALLEJO said that, in his view, the Committee was empowered to meet the State party's request, and it would be useful to do so. The Secretariat might seek information from the Austrian Government on the laws on which its reservations had been based, and once the information had been received, the Committee could consider how to proceed at its next session.

53. Mr. HERNDL said that the basic issues were set out on pages 19 and 20 of the initial report of Austria (CCPR/C/6/Add.7), where the Government explained the reasons for its reservation on article 14. The Government should be requested to transmit detailed texts and further explanations. From the Austrian standpoint, the issue would have major implications, since the Government would have to apply to Parliament for the withdrawal of the reservation and give reasons for seeking such withdrawal. Anything emanating from the Committee must therefore be firm and definitive. The Committee should reflect on what Mr. Lallah had said about the binding nature of any decision. The State had made no specific request, but had merely mentioned in the discussion that it might be prepared to withdraw the reservation if the assurances sought were given. If no action was taken, the reservation to article 14 as explained in the State party's initial report would probably stand. It was in the interests of the Committee to work for the full implementation of the Covenant and the withdrawal of reservations. The precedent that the Committee would be setting would be a positive one that could lead to useful discussion between the Committee and States parties on specific aspects of their legislation. It was the Committee's task to examine national legislation in relation to the Covenant, and he urged it to consider the matter. If it concluded that the legislation was not in line with the Covenant the matter should be dropped, but if the outcome of its analysis was favourable it would have the benefit of seeing of one of the reservations withdrawn.

54. The CHAIRMAN said that, rather than considering the compatibility of the legislation with the Covenant explicitly, it might be preferable to give an interpretation of the Covenant. If the Committee entered into a discussion on the Austrian legislation, it would not know how such legislation might be applied by the courts in the future, whereas if it interpreted the Covenant in relation to the point raised by Austria, the Government might withdraw its reservation.

55. Mr. WENNERGREN said that the issue was related to article 14 (7) of the Covenant, which stated that no one could be liable to be tried or punished again for an offence for which he had already been finally convicted or acquitted in accordance with the law and penal procedure of each country. He had spoken to Mr. Berchtold of the Austrian delegation, who had told him that following the final acquittal of a suspected person, the Austrian Government might wish for a retrial. On being told that that was incompatible with the Covenant, Mr. Berchtold had indicated that he understood the point.

The meeting rose at 1 p.m.